

T.D. INFORMAL MEMO: DO NOT MAIL THIS MEMO TO APPLICANT

| | | | |
|--------------|---|--|----------|
| Date: | 07/18/08 | APPL. S. N: | 10767076 |
| To Examiner: | ZHAO, DAQUAN | Art Unit | 2621 |
| From | HENRY JEFFERSON PARALEGAL SPECIALIST | Return This Memo To: Case Drop-Off Location | 2D68 |

SUBJECT: Decision on Terminal Disclaimer(T.D.) filed:

INSTRUCTIONS: I have reviewed the submitted T.D. with the results as set forth below. If you agree, please use the appropriate form paragraphs identified by this informal memo in your next Office action to notify applicant of the T.D. If you disagree or have any questions, please see me or the Special Program Examiner. THIS IS AN INFORMAL, INTERNAL MEMO ONLY. IT MUST NOT BE (1) MAILED TO APPLICANT OR (2) PLACED OF RECORD IN THE APPLICATION FILE. When your action is complete,

please initial, date and return this memo to me. THANK YOU.

The T.D. is PROPER and has been recorded (see 14.23).

The T.D. is NOT PROPER and has not been accepted for the reason(s) checked below (see 14.24):

- The TD fee of [REDACTED] has not been submitted nor is there any authorization in the application file for the use of a deposit account.
- The T.D. does not satisfy Rule 321 in that the person who has signed the T.D. has not stated the extent of his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application patent (see 14.26 & 14.26.01).
- The T.D. lacks the enforceable only during common ownership clause - needed to overcome a non-statutory double patenting rejection, Rule 321(b) (see 14.27.01).
- The T.D. is directed to a particular claim(s), which is not acceptable since "the disclaimer must be for a terminal portion of the term of the entire patent to be granted" (MPEP 1490) (see 14.26 & 14.26.02).
- The person who signed the T.D.:
 - is not an attorney "of record" (see 14.29 and 14.29.01).
 - has failed to state his/her capacity to sign for the business entity (see 14.28).
 - is not recognized as an officer of the assignee (see 14.29 & possible 14.29.02).
- No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the reel and frame number specified as to where such evidence is recorded in the Office (see 37 CFR 3.73(b) and 1140 O.G. 72). NOTE: This documentary evidence or the specifying of the reel and frame number may be found in the T.D. or in a separate paper of record in the application (see 14.30).
- The T.D. is not signed (see 14.26 & 14.26.03).
- The serial number of the application (or the number of the patent) which forms the basis for the double patenting rejection is missing or incorrect (see 14.32).
- The serial number of this application (or the number of the patent in reexam or reissue cases being disclaimed is missing or incorrect (see 14.26, 14.27.02 or 14.26.05).
- The period disclaimed is incorrect or not specified (see 14.26, 14.27.02 or 14.26.03).
- Other: [REDACTED]
- Suggestion to request refund (see 14.36). NOTE: If already authorized, credit refund to deposit account and do not check this item.

I have appropriately notified applicant(s) of the status of the Terminal Disclaimer filed in this case.

Ex.Initials: _____ Date: _____

Log Date:

| | | |
|---|---------------------------------------|--|
| Application Number  | Application/Control No. 10/767,076 | Applicant(s)/Patent under Reexamination TANAKA ET AL. |
| | | |

Document Code - DISQ

Internal Document – DO NOT MAIL

| | | |
|----------------------------|---|--------------------------------------|
| TERMINAL DISCLAIMER | <input checked="" type="checkbox"/> APPROVED | <input type="checkbox"/> DISAPPROVED |
| Date Filed : July 15, 2008 | This patent is subject to a Terminal Disclaimer | |
| | | |

Approved/Disapproved by:

Henry D. Jefferson

JUL 15 2008

TERMINAL DISCLAIMER TO OBLVIAE A DOUBLE
PATENTING REJECTION OVER A PRIOR PATENTDocket Number (Optional)
0102/0238

In re Application of: Yoshiaki TANAKA et al.

Application No. 10/767,076

Filed: January 30, 2004

For: RECORDING MEDIUM AND SIGNAL PROCESSING APPARATUS

The owner, VICTOR COMPANY OF JAPAN, LTD., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer, of prior Patent No. 7,382,700. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that the prior patent later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term.

Check either box 1 or 2 below, if appropriate.

1. For submissions on behalf of an organization (e.g., corporation, partnership, university, Government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. The undersigned is an attorney of record. Reg. No. 31, 730


SignatureJuly 15, 2008
DateLouis Woo
Typed or printed name

07/16/2008 PCHOMP 00000006 580501 10767076

- Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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- * Certification under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

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JUL 15 2008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Yoshiaki TANAKA et al.

Serial No. 10/767,076

Art Unit: 2621

Filed: January 30, 2004

Examiner: Zhao, Daquan

For: RECORDING MEDIUM AND
SIGNAL PROCESSING
APPARATUS

Atty Docket: 0102/0238

STATEMENT

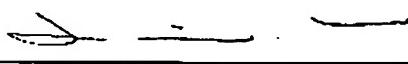
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The attached Terminal Disclaimer is being filed in response to the obviousness-type double patenting rejection of claims 39 and 40 in view of U.S. patent 7,382,700, verbally conveyed to the undersigned in a telephone conversation between the examiner and the undersigned on July 11, 2008.

With the filing of this Terminal Disclaimer, it is believed that all outstanding issues in this case have been resolved. Accordingly, the examiner is respectfully requested to pass this case to issue at an early date.

Respectfully submitted,


Louis Woo, Reg. No. 31,730
Law Offices of Louis Woo
717 North Fayette Street
Alexandria, Virginia 22314
Phone: (703) 299-4090

Date: July 15, 2008

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JUL 15 2008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Yoshiaki TANAKA

Serial No. 10/767,076

Art Unit: 2621

Filed: January 30, 2004

Examiner: Zhao, Daquan

For: RECORDING MEDIUM AND
SIGNAL PROCESSING
APPARATUS

Atty Docket: 0102/0238

SUBMISSION OF TERMINAL DISCLAIMER

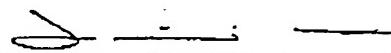
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Attached hereto is a Terminal Disclaimer in connection with the above-identified application.

The Commissioner is hereby authorized to debit \$130.00 for the Terminal Disclaimer from Deposit Account No. 50-0501. The Commissioner is further authorized to debit insufficient funds from the same account. A duplicate copy of this authorization is further attached hereto.

Respectfully submitted,


Louis Woo, Reg. No. 31,730
Law Offices of Louis Woo
717 North Fayette Street
Alexandria, Virginia 22314
Phone: (703) 299-4090

Date: July 15, 2008